

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF MAILING

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[X] If checked, two copies of this correspondence are enclosed.

Date of Deposit: May 19, 2005

Dawn M. Janelle
Signature

Dawn M. Janelle
Printed name of person mailing correspondence

Applicant:	DRIEU, Katy et al.	Art Unit:	1615
Serial No.:	10/018,448	Examiner:	KISHORE, G.S.
Filed:	March 20, 2002		
Title:	USE OF A PLANT EXTRACT		

SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT AND AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Information Disclosure Statement is submitted:

[] under 37 CFR 1.129(a), or
(First/Second submission after Final Rejection)

[] under 37 CFR 1.97(b), or
(Whichever occurs last of the following: within three months of filing national application; within three months of date of entry of the national stage in international application; before the mailing date of first office action on the merits; or before the mailing of a first Office action after the filing of a request for continued examination)

[X] under 37 CFR 1.97(c) together with either:
[] a Statement under 37 CFR 1.97(e), as checked below, or
[X] a \$180.00 fee under 37 CFR 1.17(p), or
(After the 37 CFR 1.97(b) time period, but before final action or notice of allowance, whichever occurs first)

[] under 37 CFR 1.97(d) together with:
[] a Statement under 37 CFR 1.97(e), as checked below, and
[] a Petition under 37 CFR 1.97(d)(2), and
[] a \$130.00 petition fee set forth in 37 CFR 1.17(i).
(Filed after final action or notice of allowance, whichever occurs first, but before payment of the issue fee)

[] Applicant requests that the attached IDS and cited reference(s) [] be placed in the application filewrapper.
(Filed after payment of issue fee)

[] Some of the listed references were cited in a European Search Report in a counterpart European application or cited in a communication from a foreign patent office in a counterpart foreign application.

05/23/2005 CCHAU1 00000027 500590 10018448

02 FC:1806 180.00 DA



- ☐ Enclosed herewith is form PTO/1449 (1 page; reproduced form), with a copy of each reference noted thereon.
- ☒ Enclosed herewith is form PTO/1449 (1 page; reproduced form), with a copy of selected references noted thereon. As per the change to 37 CFR 1.98(a)(2) published in the September 21, 2004 Federal Register and effective as of October 21, 2004, in which the requirement for a copy of each U.S. Patent or U.S. Patent application publication listed in an IDS has been eliminated regardless of the filing date of the application (unless required by the Office), copies of any United States Patent or Patent Publications are not enclosed.
- ☐ Copies of the reference(s) noted on the enclosed form PTO/1449 were previously cited by or submitted to the Patent and Trademark Office in connection with U.S. Application Serial No. [], from which the present application claims benefit under 35 U.S.C. § 120 (37 C.F.R. 1.98(d)). Applicants request that copies of art in U.S. Application Serial No. [] cited on the enclosed PTO/1449 form be transferred to the present U.S. Application Serial No. [].

Concise Explanation Requirement (non-English references):

- ☒ The "concise explanation" requirement for reference(s) [AA] under 37 CFR 1.98(a)(3) is satisfied by:
- ☐ the explanation provided on the attached sheet.
 - ☐ the explanation provided in the Specification.
 - ☐ submission of the enclosed International Search Report.
 - ☒ the enclosed English language translation.

It is requested that the information disclosed herein be made of record in this application, and that the references listed on the enclosed form PTO/SB/08B appear under the "References Cited" heading of any Patent which issues from this application, (MPEP 1302.12).

Statement Under 37 CFR 1.97(e):

- ☐ Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or
- ☐ No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Method of payment:

- ☐ A check for the fee noted above is enclosed, or the fee has been included in the check with the accompanying Reply.
- ☐ No fee is believed to be due for this submission. However Applicant(s) hereby authorize the Commissioner to charge any fees that may be deemed to be due or to credit any overpayment to Deposit Account No. 50-0590. Two copies of this Statement are enclosed.
- ☒ The Commissioner is hereby authorized to charge any deficiency in fees and credit any overpayment to Deposit Account 50-0590. Two copies of this Statement are enclosed.

Respectfully submitted,

BIOMEASURE, INCORPORATED

Dated: 5/19/05

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DPO-1449 REPRODUCED

ATTORNEY DOCKET NO.
087P/US/PCT2/USAPPLICATION NO.
10/018,448INFORMATION DISCLOSURE CITATION
IN AN APPLICATION

(Use several sheets if necessary)

APPLICANT
DRIEU, K. et al.FILING DATE
March 20, 2002GROUP/EXAMINER
1615/KISHORE, G.S.

U.S. PATENT DOCUMENTS

EXAM- INER INI- TIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE IF APPROPRIATE
	AA	US 6,274,621	08/14/01	Drieu			
	AB	US 2003/0157095	08/21/03	Papadopoulos et al.			

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION YES NO
	AC	38 32 056	03/22/90	DE			X
	AD	40 08 868	09/09/93	DE			X
	AE	0 359 951 B1	01/26/94	EP			X

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	AF	BORCHERS, A. et al., "Mushrooms, tumors and immunity," Proc. Soc. Exp. Biol. Med., 1999, 221:281-93.
	AG	BROADDUS, W. et al., "Peripheral-type benzodiazepine receptors in human glioblastomas: pharmacologic characterization and photoaffinity labeling of ligand recognition site," Brain Res., 1990, 518:199-208.
	AH	CORNU, P. et al., "Increase in ω 3 (peripheral-type benzodiazepine) binding site densities in different types of human brain tumours," Acta Neurochir (Wein), 1992, 119:146-152.
	AI	HARDWICK, M. et al., "Peripheral-type benzodiazepine receptor (PBR) in human breast cancer: correlation of breast cancer cell aggressive phenotype with PBR expression, nuclear localization, and PBR-mediated cell proliferation and nuclear transport of cholesterol," Cancer Res., 1999, 59:831-842.
	AJ	HAUNS, B. et al., "Phase II study with 5-flourouracil and ginkgo biloba extract (GBE 761 ONC) in patients with pancreatic cancer," Arzneimittelforschung, 1999, 49:1030-1034
	AK	HU, K. et al., "Antineoplastic agents; I. Three spirostanol glycosides from rhizomes of Dioscorea collettii var. hypoglauca," Planta Med., 1996, 62:573-5.
	AL	HUANG, Y. et al., "Antitumor effects and pharmacological interaction of xiao-chai-hu-tang (sho-saiko-to) and interleukin 2 in murine renal cell carcinoma," Keio J Med., 1997, 46:132-7.
	AM	ITO, H. et al., "Effects of a blended Chinese medicine, xiao-chai-hu-tang, on Lewis lung carcinoma growth and inhibition of lung metastasis, with special reference to macrophage activation," Jpn. J. Pharmacol., 1986, 41:307-14.
	AN	KATO, M. et al., "The herbal medicine Sho-saiko-to inhibits growth and metastasis of malignant melanoma primarily developed in ret-transgenic mice," J. Invest. Dermatol., 1998, 111:640-4.
	AO	KATZ, Y. et al., "Dramatic increase in peripheral benzodiazepine binding sites in human colonic adenocarcinoma as compared to normal colon," Eu. J. Pharm., 1988, 148:483-484.
	AP	KATZ, Y. et al., "Increased density of peripheral benzodiazepine-binding sites in ovarian carcinomas as compared with benign ovarian tumours and normal ovaries," Clinical Science, 1990, 78:155-158.

EXAMINER

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DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION YES NO

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

AQ	MICHAUD, D. et al., "Fruit and vegetable intake and incidence of bladder cancer in a male prospective cohort," J. Natl. Cancer Inst., 1999, 91:605-13.
AR	MIETTINEN, H. et al., "Expression of peripheral-type benzodiazepine receptor and diazepam binding inhibitor in human astrocytomas: relationship to cell proliferation," Cancer Res., 1995, 55:2691-2695.
AS	MONTE, M. et al., "Inhibition of lymphocyte-induced angiogenesis by free radical scavengers," Free Radic. Biol. Med., 1994:259-266.
AT	MOYAD, M. et al., "Traditional Chinese medicine, acupuncture, and other alternative medicines for prostate cancer: an introduction and the need for more research," Semin. Urol. Oncol., 1999, 17:103-110.
AU	NAKAHATA, N. et al., "Analysis of inhibitory effects of scutellariae radix and baicalein on prostaglandin E2 production in rat C6 glioma cells," Am. J. Chin. Med., 1998, 26:311-23.
AV	PAPPATA, S. et al., "PET study of carbon-11-PK 11195 binding to peripheral-type benzodiazepine sties in glioblastoma: a case report," J. Nuclear Med., 1991, 32:1608-1610.
AW	SAKAMOTO, S. et al., "Effects of Chinese herbal medicines on DNA-synthesizing enzyme activities in mammary tumors of mice," Am. J. Chin. Med., 1994, 22:43-50.
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AY	SENGUPTA, A. et al., "The anti-carcinogenic role of lycopene, abundantly present in tomato," Eur. J. Cancer Prev., 1999, 8:325-30.
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BA	ZHENG, Y. et al., "In vitro immunotoxicity and cytotoxicity of trochosanthin against human normal immunocytes and leukemia-lymphoma cells," Immunopharmacol. Immunotoxicol., 1995, 17:69-79.
BB	ZHENG, S. et al., "Initial study on naturally occurring products from traditional Chinese hers and vegetables for chemoprevention," J. Cell. Biochem. Suppl., 1997, 27:106-12.

EXAMINER

DATE CONSIDERED